

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KEITON SMITH,
Plaintiff,

v.

MAXWELL HARCOURT,
C. CASTIGLIONI,
Defendants.

Case No. 2:23-cv-01897-RFB-EJY

ORDER

On December 20, 2024, the Court entered an Order requiring the Nevada Attorney General's Office to provide "(a) the names of the defendants for whom it accepts service; (b) the names of the defendants for whom it does not accept service, and (c) the names of the defendants for whom it is filing the last-known-address information under seal." ECF No. 14. As to any of the named defendants for whom the Attorney General's Office could not accept service, the Attorney General's Office was required to file, under seal, but not serve Plaintiff, "the last known address(es) of those defendant(s) for whom it has such information." *Id.*

On January 10, 2025, the Attorney General filed a Notice of Acceptance of Service on behalf of Cody Castiglioni. ECF No. 15. The Attorney General did not accept service on behalf of Maxwell Harcourt. *Id.* Defendant Harcourt's last known address was filed under seal. ECF No. 16.

Accordingly, IT IS HEREBY ORDERED that the Clerk of Court **must** issue a summons for Maxwell Harcourt and deliver the same to the U.S. Marshal for service together with one copy of (1) this Order, (2) Plaintiff's First Amended Complaint (ECF No. 8), (3) the Court's Screening Order (ECF No. 9), and (4) the address for Maxwell Harcourt filed under seal (ECF No. 16).

IT IS FURTHER ORDERED that the Clerk of Court **must** send Plaintiff a USM-285 form, together with a copy of this Order. Plaintiff **must** complete the USM-285 form for Maxwell Harcourt to the best of his ability and return the same to the U.S. Marshal by mail no later than **February 13, 2025**. The completed USM-285 form may be mailed to:

1 Gary G. Schofield
2 U.S. Marshal, District of Nevada
3 Lloyd D. George Federal Courthouse
333 Las Vegas Blvd. S., Suite 2058
Las Vegas, Nevada 89101

4 IT IS FURTHER ORDERED that the U.S. Marshal **must** attempt to effect service of this
5 Order, Plaintiff's First Amended Complaint (ECF No. 8), the Court's Screening Order (ECF No. 9),
6 and the Summons on Maxwell Harcourt no later than **twenty-one (21) days** after receipt of the
7 completed USM-285 form.

8 IT IS FURTHER ORDERED that within **twenty-one (21) court days** after Plaintiff receives
9 a copy of the USM-285 form from the U.S. Marshal that show whether service was accomplished,
10 Plaintiff **must** file a notice with the Court identifying whether Maxwell Harcourt was served. If
11 Plaintiff wishes to have service attempted again on an unserved defendant, Plaintiff **must** file a
12 motion with the Court identifying the unserved defendant and providing more detailed information
13 regarding the unserved defendant's name and/or address, or whether service should be attempted in
14 some other manner. Under Rule 4(m) of the Federal Rules of Civil Procedure, service **must** be
15 accomplished within **ninety (90) court days** from the date this Order is entered.

16 IT IS FURTHER ORDERED that hereinafter Plaintiff **must** serve Defendants, or, if
17 appearance is entered by counsel, upon Defendants' counsel, a copy of every pleading, motion, or
18 other document submitted for consideration by the Court. Plaintiff will include with the original
19 papers submitted for filing a certificate stating the date that a true and correct copy of the document
20 was mailed to Defendants or Defendants' counsel. The Court may disregard any paper received by
21 a District or Magistrate Judge that is not filed with the Clerk, and any paper received by a District
22 or Magistrate Judge, or the Clerk that fails to include a certificate of service.

1 IT IS FURTHER ORDERED that if Plaintiff fails to comply with this Order, Plaintiff's
2 claims against Maxwell Harcourt may be subject to dismissal for failure to complete service of
3 process pursuant to Fed. R. Civ. P. 4(m).

4 Dated this 13th day of January, 2025.

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7 ELAYNA J. YOUCHAK
8 UNITED STATES MAGISTRATE JUDGE
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